

REMARKS

In light of the following remarks and above amendments, reconsideration and allowance of this application are respectfully requested.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 USC §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 2-6, 8-11 and 14 and amended claims 1, 12, and 13 are in this application. Claim 16 has been canceled herein and incorporated into independent claim 1.

At page 2 of the outstanding Final Office Action of December 17, 2003, the Examiner rejected claims 1, 2 and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over Hellberg (U.S. Patent No. 6,094,458).

Independent claim 1 has been amended by adding a limitation that was stated as being allowable by the Examiner in claim 16. Specifically, the limitation, "said one-bit signal is split into two bit streams respectively formed of alternate data bits of said input one-bit digital signal; and one of said two bit streams is inverted by said input inverter" was added to independent claim 1. The cancellation of claim 16 is not an admission by the applicants of agreement with the Examiner's argument. Rather, claim 16 is being cancelled herein to expedite prosecution in this matter. Therefore amended independent claim 1 is believed to be allowable over Hellberg.

For reasons similar to those described above with regard to amended independent claim 1, amended independent claims 12 and 13 are also believed to be allowable over Hellberg.

Further, claims 2 and 14 depend from amended independent claim 1 and, due to such dependency, are also believed to be allowable over Hellberg for at least the reasons previously described. Therefore, claims 1, 2 and 12-14 are believed to be allowable over Hellberg.

Applicants therefore respectfully request the rejection of claims 1, 2 and 12-14 under 35 U.S.C. §103(a) be withdrawn.

At page 2 of the outstanding Final Office Action of December 17, 2003, the Examiner rejected claims 3, 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Hellberg (U.S. Patent No. 6,094,458) in view of Nishio et al. (U.S. Patent No. 5,719,574).

Applicants respectfully traverse the rejection.

Claims 3, 8 and 9 are dependent either directly or indirectly from amended independent claim 1 and, due to such dependency, are also believed to be allowable over Hellberg for at least the reasons previously described. The Examiner did not rely on Nishio to overcome the above-identified deficiencies of Hellberg. Therefore, claims 3, 8 and 9 are believed to be allowable over the applied combination of Hellberg and Nishio.

Applicants therefore respectfully request the rejection of claims 3, 8 and 9 under 35 U.S.C. §103(a) be withdrawn.

At page 3 of the outstanding Final Office Action of December 17, 2003, the Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Hellberg (U.S. Patent No. 6,094,458) in view of Nishio et al. (U.S. Patent No. 5,719,574), as applied to claim 9,

in further view of Redfern & Co. (U.K. Application 1 329 883). Applicants respectfully traverse the rejection.

Claims 10 is indirectly dependent from amended independent claim 1 and, due to such dependency, is also believed to be allowable over Hellberg for at least the reasons previously described. The Examiner did not rely on Nishio or Redfern & Co. to overcome the above-identified deficiencies of Hellberg. Therefore, claim 10 is believed to be allowable over the applied combination of Hellberg, Nishio and Redfern & Co.

Applicants therefore respectfully request the rejection of claim 10 under 35 U.S.C. §103(a) be withdrawn.

At page 3 of the outstanding Final Office Action of December 17, 2003, the Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Hellberg (U.S. Patent No. 6,094,458) in view of Hamasaki et al. (U.S. Patent No. 5,682,162). Applicants respectfully traverse the rejection.

Claims 11 is directly dependent from amended independent claim 1 and, due to such dependency, is also believed to be allowable over Hellberg for at least the reasons previously described. The Examiner did not rely on Hamasaki to overcome the above-identified deficiencies of Hellberg. Therefore, claim 11 is believed to be allowable over the applied combination of Hellberg and Hamasaki.

Applicants therefore respectfully request the rejection of claim 11 under 35 U.S.C. §103(a) be withdrawn.

At page 4 of the outstanding Final Office Action of December 17, 2003, the Examiner stated that claims 4-6 are allowed. Applicants appreciate the Examiner's indication of the allowance of claims 4-6. To the extent the Examiner's Statement of Reasons for Allowance

states, implies or is construed to mean that the claim is allowable over the prior art of record because the Examiner believes the claim should be interpreted to include one or more features or limitations not recited therein, Applicants attorney disagrees with such an interpretation. Moreover, it is Applicants contention that there is no particular limitation in the allowed claims that is more critical than any other. The issuance of the Examiner's Statement of Reasons for Allowance should not be construed as a surrender by Applicants of any subject matter. It is the intent of Applicants, by their attorney, to construe the allowed claims so as to cover the invention disclosed in the instant application and all equivalents to which the claimed invention is entitled.

At page 4 of the outstanding Final Office Action of December 17, 2003, the Examiner stated that claim 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have canceled claim 16 and incorporated such allowable limitations into independent claims 1, 12 and 13.

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicants undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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